

Application No. 10/765,394

Docket No. R2184.0298/P298

**REMARKS**

Claim 1 has been canceled, without prejudice. Claim 2 has been rewritten in independent form. Claims 4-6 have been made dependent on claim 2. Claims 2-8 remain in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications. A Petition for Extension of Time is being filed herewith. Please charge any deficiency in the fees to Deposit Account 04-1073.

Claims 2-8 are rejected under 35 U.S.C. § 102 as being anticipated by Mitsui. Reconsideration is respectfully requested. Independent claim 2 recites "an edge of a smooth shape without unevenness to reduce resistance . . . against an air stream when the disk rotates." Claim 2 also says that the smooth shape edge, which is without unevenness to reduce air stream resistance, is formed by a plurality of disk holding members, continuously arranged on the peripheral wall. Please refer, for example to Fig. 3 which shows plural eaves 88. Mitsui fails to disclose or suggest the disk holding members of the claimed invention. Therefore, the rejection of claim 2 based on Mitsui should be withdrawn.

The Office Action, including the section bridging pages 2 and 3, provides no explanation to the contrary. The Mitsui tongue parts 40-6, 40-7, 40-9 and 40-13 do not, "as a whole," form an "edge of [a] smooth shape without unevenness to reduce resistance of the edge against the air stream when the disk rotates."

At the top of page 4, the Office Action states that "Mitsui does have a smooth shape without unevenness." But that is not what is recited in claim 2. Claim 2 is more limited than that. Claim 2 says that "a plurality of the disk holding members . . . as a whole form[] the edge of the smooth shape without unevenness." Mitsui does not disclose or suggest the recited disk holding members.

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The differences between the claimed invention and Mitsui are important. Please keep in mind that Mitsui is directed to a vertical installation, and the problem of a disk slipping down vertically from a disk tray. Technical problems occurring when the disk rotates at a high speed (as addressed by the present invention) are not addressed by Mitsui.

Claims 3-8 depend from claim 2 and should be allowable along with claim 2, and for other reasons. For at least the foregoing reasons, allowance of the application, as amended, is solicited.

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Respectfully submitted,

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